

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION FILED IN	)	
SUPPORT OF ITS PROPOSED	)	CASE NO. 93-047
MODIFICATIONS AND ADDITIONS TO THE	)	
ESSX AND DIGITAL ESSX SERVICE	)	
TARIFFS	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed February 8, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the revenue, demand, contribution projections, and cost support developed in connection with South Central Bell's ESSX Service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

On February 8, 1993, South Central Bell filed revisions to its tariff for ESSX Service. In support of its proposed revisions, South Central Bell also submitted the revenue, demand, contribution projections, and cost support information developed in connection with its ESSX Service which it seeks to protect as confidential. The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need

to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected consists of the revenue, demand, contribution projections, and cost support developed in connection with ESSX Service. South Central Bell's competitors for ESSX Service are providers of PBX equipment. South Central Bell's competitors could use the information sought to be protected to determine South Central Bell's revenues, costs, and contribution, and projected demand for features of the service. Knowledge of this information would allow competitors to better market their competitive service to the detriment of South Central

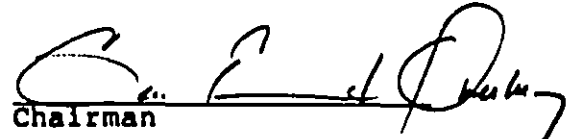
Bell. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

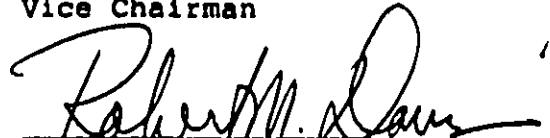
IT IS ORDERED that the revenue, demand, contribution projections, and cost support developed in connection with South Central Bell's ESSX Service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 11th day of March, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director